

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BOBBY COLLINS, JR.,)	
)	
Petitioner,)	
)	
v.)	No. 4:11CV328 CAS
)	(TIA)
TROY STEELE,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Motion for Appointment of Counsel. The cause was referred to the undersigned pursuant to 28 U.S.C. § 636(b).

On February 22, 2011, petitioner filed a petition under 28 U.S.C. § 2254 for a writ of habeas corpus, raising three grounds for federal habeas relief. Respondent filed his Response on May 23, 2011. Petitioner retained counsel, who filed a 15-page Traverse, a 15-page Supplemental Traverse, and numerous pages of exhibits. Counsel withdrew representation, and Petitioner filed a motion for appointment of counsel on December 17, 2012, alleging that he is unable to pay for or obtain counsel because of his poverty. Thus, he requests that the court appoint him an attorney.

"[T]here is neither a constitutional nor statutory right to counsel in habeas proceedings . . ." McCall v. Benson, 114 F.3d 754, 756 (8th Cir. 1997). In order to determine whether appointment of counsel is appropriate, the court must consider "the factual and legal complexity of the case, and the petitioner's ability both to investigate and to articulate his claims without court appointed counsel." Id. (citations omitted). In the instant case, Petitioner raises only three grounds for habeas relief, and they do not appear to be factually or legally complex. Further, Petitioner's prior counsel has articulated Petitioner's claims in a clear, concise manner in two Traverses and attached exhibits.

At this stage of the litigation, legal counsel is unnecessary. Thus, Petitioner's motion for appointment of counsel will be denied at this time.

Accordingly,

IT IS HEREBY ORDERED that petitioner's Motion for Appointment of Counsel (Doc. No. 20) is **DENIED**. If the Court later determines that counsel is required, it will issue an appropriate order.

/s/ Terry I. Adelman

UNITED STATES MAGISTRATE JUDGE

Dated this 19th day of June, 2013.